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OFFICE OF PETITIONS

In re Application of :
Isei Sato :
Application No. 10/558,587 :
Filed: November 29, 2005 :
Attorney Docket No. MITSP103US :
:

ON PETITION

This is a decision in response to the petitions, filed May 23, 2008, under (1) 37 CFR 1.137(b) to revive the above-identified application and (2) 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue.

The petitions are **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before April 23, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 23, 2008, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on May 21, 2008.

The petition under 37 CFR 1.137(b) includes (1) the reply in the form of the \$1,440 issue fee and the \$300 publication fee; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay. Accordingly, the petition is found to comply with the requirements of 37 CFR 1.137(b).

The petition under 37 CFR 1.313(c)(2) includes, *inter alia*, (1) the petition fee of \$130; (2) a Request for Continued Examination (RCE) and fee of \$810; and (3) an Information Disclosure Statement (IDS). Accordingly, the petition is found to comply with the requirements of 37 CFR 1.313(c)(2).

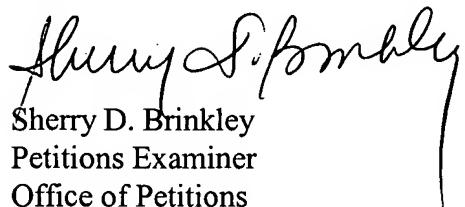
The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 23, 2008, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed,

*petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being forwarded to Technology Center AU 1794 for further processing of the request for continued examination under 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. Failure to request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.